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8 **BEFORE THE**
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. PT-2011-1680

12 **SAM CANCIO**
11635 6th Place
13 Hanford, CA 93230

A C C U S A T I O N

14 Psychiatric Technician License No. PT 33970

15 Respondent.
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18 Teresa Bello-Jones, J.D., M.S.N., R.N. ("Complainant") alleges:

19 **PARTIES**

20 1. Complainant brings this Accusation solely in her official capacity as the Executive
21 Officer of the Board of Vocational Nursing and Psychiatric Technicians ("Board"), Department of
22 Consumer Affairs.

23 2. On or about November 13, 2007, the Board issued Psychiatric Technician License
24 Number PT 33970 to Sam Cancio ("Respondent"). The license was in full force and effect at all
25 times relevant to the charges brought herein. The license expired on January 31, 2013, and has
26 not been renewed.

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1 **COST RECOVERY**

2 7. Code section 125.3 provides, in pertinent part, that the Board may request the
3 administrative law judge to direct a licentiate found to have committed a violation or violations of
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
5 enforcement of the case.

6 **FIRST CAUSE FOR DISCIPLINE**

7 **(Conviction of a Crime)**

8 8. Respondent is subject to discipline under Code section 4521(f), in that on or about
9 January 20, 2012, in the case of *People v. Samuel Cancio*, (Super. Ct. Kings County, Case No.
10 11CM3446), Respondent was convicted by the Court on his plea of guilty of violating Vehicle
11 Code section 23152(b) (driving a vehicle while having 0.08 percent and more, by weight, of
12 alcohol in his blood), with an enhancement of Vehicle Code section 23578 (a blood alcohol
13 content of .15 percent or higher), a misdemeanor. The crime is substantially related to the
14 qualifications, functions, or duties of a Psychiatric Technician. The circumstances of the crime
15 were that on or about September 23, 2011, Respondent drove a vehicle with a blood alcohol level
16 of .22%.

17 **SECOND CAUSE FOR DISCIPLINE**

18 **(Use of Alcohol in a Dangerous or Injurious Manner)**

19 9. Respondent is subject to discipline under Code section 4521(a), on the grounds of
20 unprofessional conduct as defined in Code section 4521(a)(5), in that on or about September 23,
21 2011, Respondent used an alcoholic beverage to an extent or in a manner dangerous or injurious
22 to himself, and the public, when he operated a vehicle while under the influence of alcohol, as
23 more particularly set forth above in paragraph 8.

24 **THIRD CAUSE FOR DISCIPLINE**

25 **(Conviction Involving the Consumption of Alcohol)**

26 10. Respondent is subject to discipline under Code section 4521(a) on the grounds of
27 unprofessional conduct as defined in Code section 4521(a)(6), in that on or about January 20,
28

2012, Respondent was convicted of a crime involving the consumption of alcohol, as more particularly set forth above in paragraph 8.

FACTORS IN AGGRAVATION

11. On or about April 18, 1996, in the case of *People v. Samuel Cancio*, (Super. Ct. Kings County, Case No. H960290), Respondent was convicted by the Court on his plea of no contest of violating Vehicle Code section 23152(b) (driving a vehicle while having 0.08 percent and more of alcohol in his blood), and Vehicle Code section 14601.5(a) (driving with a suspended license).

12. On or about January 31, 1995, in the case of *People v. Samuel Cancio*, (Super. Ct. Kings County, Case No. H950153), Respondent was convicted by the Court on his plea of guilty of violating Vehicle Code section 23152(a) (driving a vehicle while under the influence of alcohol), with enhancement of Vehicle Code section 23206.1 (blood alcohol level of .20% or higher).

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Vocational Nursing and Psychiatric Technicians issue a decision:

1. Revoking or suspending Psychiatric Technician License Number PT 33970, issued to Sam Cancio;
2. Ordering Sam Cancio to pay the Board of Vocational Nursing and Psychiatric Technicians the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,
3. Taking such other and further action as deemed necessary and proper.

DATED: May 23, 2013


TERESA BELLO-JONES, J.D., M.S.N., R.N.

Executive Officer
Board of Vocational Nursing and Psychiatric Technicians
Department of Consumer Affairs
State of California
Complainant

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